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## **REMARKS**

Claims 1-3, 5, 6, 8-10, 41, 42, 44, 45, and 47-56 are currently pending. Claims 12, 14, 15, 17, and 28-31 have been canceled without prejudice or disclaimer. Claims 1, 10, and 50 have been amended. The amendment of these claims is self-supporting and also supported by the original disclosure. It is respectfully submitted that no new matter has been added.

### **Telephone Interview**

A telephone interview was conducted on January 27, 2009, between patent examiner Gary Au, Applicant's representative Walter Malinowski, and Applicant's representative Paul Derry. Examiner Au indicated that the combination of different aspects that were discussed might be patentably distinguishing and indicated that he would give consideration to proposed claim 1's configuration, then recognition steps. Mr. Derry pointed out that patentable distinguishing differences between the claimed invention and Medvinsky (see col. 3, line 8; col. 5, lines 43 and 46) include the following: 1) authorization message 300 in Medvinsky is not encrypted; 2) entitlement cannot be an individual address; and 3) content 408 in Medvinsky is not sent with an individual address.

In the Interview Summary dated January 27 2009, Examiner Au stated as follows:

The examiner and the representatives discussed the amended claims 1, 10, and 50 and the differences between the amended claims and the prior art cited. US Patent No. 6,754,908 (Medvinsky) is different that the authorization message is not encrypted, the message is also not an individual address that any STB can receive and decript the key and the message is not sent with an individual address.

### **Claim Rejections under 35 U.S.C. 103(a)**

Applicant has amended the claims to advance prosecution and does not explicitly or implicitly admit a need for amendment of the claims.

The Patent Office rejected claims 1, 3, 5, 6, 10, 31, 42, 44, 45, 49, 50, 52, 53, 55, and 56 under 35 U.S.C. 103(a) as being unpatentable over Nagaoka, U.S. Published Patent Application No. 2002/0092024, in view of Ching, U.S. Patent No. 7,222,354, and Medvinsky, U.S. Patent No. 6,754,908.

Claim 31 has been canceled without prejudice or disclaimer.

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Although the claims stand on their own, for the purposes of certain aspects of the claimed invention, claim 1 will now be discussed.

The embodiments described in Applicant's specification allow a STB to be configured to receive messages addressed to it. Configuration comprises sending message detection data including an address and a corresponding key, all encrypted with a key specific to the STB, decrypting this at the STB using the unique key, storing the address and the corresponding key, and subsequently using the stored address (i.e. the address that was broadcast by the network) to identify messages addressed to the STB that are derived from a different network, these messages being decrypted by the key corresponding to the address and received over the broadcast network.

Nagaoka allows messages originating from a foreign network to be sent over a digital broadcast network and displayed as part of a TV programme.

Ching allows a playlist to be sent, addressed to an individual set top box. The set top box renders multimedia segments, broadcast over the network, into a complete program according to the instructions contained in the playlist.

The playlist in Ching is addressed to a set top box but the address in the playlist is not stored in the STB. There is no key associated with each address stored in the STB. The playlist is not encrypted, sent over the network then decrypted in the STB using a key unique to the STB. The broadcast content is not decrypted at the STB using a key sent over the network and stored in the STB.

The embodiments allow the STB to be configured with an address remotely, i.e. after sale, and without requiring access to a bidirectional network, so that messages sent to that address can be detected by the STB. In the prior art, conversely, no such remote configuration with an address is disclosed. The embodiments allow broadcast of an addressed message that is decipherable only by the STB that is configured to receive messages with that address. Ching discloses broadcasting a playlist over the network from a cable headend and assembling a program from multimedia segments (also broadcast over the network) inside the STB according to the instructions included in the playlist (col. 3, lines 50-51), but this clearly is quite different.

Medvinsky discloses intrusion detection for object security. The Patent Office asserted on page 4, lines 9-12, of the Final Office Action dated October 28, 2008, as follows:

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However, the combined system of Nagaoka and Ching fails to disclose for each individual address for each digital broadcast receiver.

In an analogous art, Medvinsky teaches for each individual address for each digital broadcast receiver (col. 3 lines 3-14).

Medvinsky discloses in column 3, lines 3-14, as follows:

The headend 104 receives content and distributes that content to users. Content can include video, audio, interactive video, software, firmware, and/or data. This content is received from a variety of sources that include the satellite dish 116, local programming receiver 112, microwave receivers, packet switched networks, Internet 120, etc. Each set top box 108 has a unique address that allows sending entitlement information to an individual set top box 108. In this way, one set top box 108-1 can entitle a particular content while another 108-2 cannot. Equipment within the headend 104 regulates which set top boxes 108 are entitled to which content.

Patentably distinguishing features between Applicant's claimed invention and Medvinsky include as follows:

In Medvinsky, 1) the authorization message 300 is not encrypted; 2) entitlement cannot be an individual address; and 3) content 408 is not sent with an individual address.

None of the prior art of record discloses "sending to a digital broadcast receiver through a digital broadcast network message detection data ... comprising: a) at least one individual address corresponding to said digital broadcast receiver, ... storing said ... at least one individual address ... in said digital broadcast receiver [and] using the stored individual address to identify that [a] message sent through said digital broadcast network is addressed to said digital broadcast receiver". Furthermore, Applicant contend that it would not be obvious to modify the prior art in such a way as to provide this combination of features.

Additionally none of the prior art of record discloses encrypting a broadcast message using a key that is specific to a digital broadcast receiver. Claim 1 recites "sending to a digital broadcast receiver through a digital broadcast network message detection data ... comprising: a) at least one individual address corresponding to said digital broadcast receiver, wherein said message detection data is encrypted using a key associated substantially uniquely with said digital broadcast receiver; decrypting said message detection data with said key associated substantially uniquely with said digital broadcast receiver at said digital broadcast; storing said decrypted message detection data, including the at least one individual address and the associated key, in

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said digital broadcast receiver so as to configure said digital broadcast receiver to detect messages individually addressed thereto and received through said digital broadcast network". By encrypting the message detection data with a key specific to the digital broadcast receiver, claim 1 allows the digital broadcast receiver to be configured to receive messages that are unable to be received by any other receivers.

According, all claims 1, 3, 5, 6, 10, 42, 44, 45, 49, 50, 52, 53, 55, and 56 are allowable over the combination of Nagaoka, Ching, and Medvinsky.

The Patent Office rejected claims 9, 12, 14, 16, 17, 28, 48, and 54 under 35 U.S.C. 103(a) as being unpatentable over Nagaoka, U.S. Published Patent Application No. 2002/009024, in view of Ching, U.S. Patent No. 7,222,354, Medvinsky, U.S. Patent No. 6,754,908, and further in view of Syed, U.S. Patent No. 6,845,230.

Claims 12, 14, 16, 17, and 28 have been canceled without prejudice or disclaimer.

**None of Nagaoka, Ching, Medvinsky, or Syed discloses "said message detection data includes a plurality of addresses associated with an individual identification code of said digital broadcast receiver and decryption keys associated with individual ones of said addresses."**

From the Final Office Action dated October 28, 2008, it appears that the Patent Office considers column 13, line 66, through column 14, line 6, of Syed, and Medvinsky, column 3, lines 3-14, to provide such a teaching as the Patent Office alleges that Syed teaches "message detection data which is encrypted using a substantially unique key associated with said digital receiver" and further considers Medvinsky to teach "for each individual address for each digital broadcast receiver."

Medvinsky discloses in column 3, lines 3-14, as follows:

The headend 104 receives content and distributes that content to users. Content can include video, audio, interactive video, software, firmware, and/or data. This content is received from a variety of sources that include the satellite dish 116, local programming receiver 112, microwave receivers, packet switched networks, Internet 120, etc. Each set top box 108 has a unique address that allows sending entitlement information to an individual set top box 108. In this way, one set top box 108-1 can entitle a particular content while another 108-2 cannot. Equipment within the headend 104 regulates which set top boxes 108 are entitled to which

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content.

Patentably distinguishing features between Applicant's claimed invention and Medvinsky include as follows:

In Medvinsky, 1) the authorization message 300 is not encrypted; 2) entitlement cannot be an individual address; and 3) content 408 is not sent with an individual address.

None of the prior art of record discloses "sending to a digital broadcast receiver through a digital broadcast network message detection data ... comprising: a) at least one individual address corresponding to said digital broadcast receiver, ... storing said ... at least one individual address ... in said digital broadcast receiver [and] using the stored individual address to identify that [a] message sent through said digital broadcast network is addressed to said digital broadcast receiver". Furthermore, Applicant contend that it would not be obvious to modify the prior art in such a way as to provide this combination of features.

Thus, claims 9, 48, and 54 are allowable over a combination of Nagaoka, Ching, Medvinsky, and Syed.

The Patent Office rejected claims 2, 15, 29, 30, 41, and 51 under 35 U.S.C. 103(a) as being unpatentable over Nagaoka, Ching, and Medvinsky as applied to claims 1, 10, and 23 above, and further in view of Thornton, U.S. Published Patent Application No. 2003/0056220.

Claims 15, 29, and 30 have been canceled without prejudice or disclaimer.

Thornton (U.S. published patent application no. 2003/0056220) concerns enabling users with independent terminal devices to share audiovisual content in the context of a communication session, shared software application, or common experience – see paragraph [0002].

As none of Nagaoka, Ching, Medvinsky, or Thornton discloses "said message detection data comprising at least one individual address corresponding to said digital broadcast receiver and, for each individual address, at least one associated key," any combination of Nagaoka, Ching, Medvinsky, and Thornton would not make obvious any of claims 2, 41, and 51.

The Patent Office rejected claims 8 and 47 under 35 U.S.C. 103(a) as being unpatentable over Nagaoka, Medvinsky, and Syed as applied to claims 1 and 10 above, and further in view of Mathis, U.S. Patent No. 6,993,327.

First, claims 1 and 10 were rejected by a combination of Nagaoka, Ching, and

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Medvinsky, not Nagaoka, Ching, and Syed. The deficiency the Patent Office has noted in Nagaoka and Ching, discussed on page 4, lines 9-10, of the October 28, 2008, Final Office Action, is “for each individual address for each digital broadcast receiver.” This deficiency of Nagaoka and Ching is not discussed at all in the rejection of claims 8 and 47.

The passage referred to (i.e., the paragraph spanning columns 13 and 14) in Syed discloses only an encryption public key, and does not disclose “a substantially unique key associated with said digital receiver.” Conversely, Syed does not relate to individually addressing broadcast receivers, so Syed does not need to provide a key substantially unique to a digital receiver. Instead, it would seem that the broadcast of a public key by the stem of Syed results in broadcasts being encrypted only by receivers which are authorized to receive broadcasts. The provision of a suitable key to those receivers would allow them to decode encrypted broadcasts but would prevent other receivers being able to decode encrypted broadcasts.

Second, Mathis does not remedy the deficiency of Nagaoka, Ching, and Medvinsky (or, Syed). Mathis discloses (column 5, lines 28-35):

Upon receiving one or more multicast addresses, each client device 102, 104, 106, 108 performs actions necessary, i.e., configures itself, to receive multicast traffic sent to these multicast addresses at Step 260. The preferred embodiment is based on IP Multicast and, thus, each client device 102, 104, 106, 108 sends an Internet Group Management Protocol (“IGMP”) Join message to the first-hop router.

Mathis does not disclose how the client devices 102 are configured and does not disclose “said message detection data comprising at least one individual address corresponding to said digital broadcast receiver and, for each individual address, at least one associated key.”

Thus, claims 8 and 47 are allowable over the prior art of record.

Accordingly, claims 1-3, 5, 6, 8-10, 41, 42, 44, 45, and 47-49 are patentable over the prior art of record.

The Patent Office is respectfully requested to reconsider and remove the rejections of claims 1-3, 5, 6, 8-10, 12, 14, 15, 17, 28-31, 41, 42, 44, 45, and 47-56 under 35 U.S.C. 103(a) based on Nagaoka in view of Ching (or, Syed), whether or not in combination with Thornton, Syed, and/or Mathis, and to allow all of the pending claims 1-3, 5, 6, 8-10, 41, 42, 44, 45, and 47-56 as now presented for examination. An early notification of the allowability of claims 1-3, 5,

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6, 8-10, 41, 42, 44, 45, and 47-56 is earnestly solicited.

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